

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 8, 2020 at 6:00 p.m.

**IN RE:** 20-86 Petition of PAUL E. CLANCY, JR., ESQ. 71 Legion Parkway, Suite 26, Brockton, MA, for a Variance from Sec. 27-29, to construct a two (2) family home in a C-2 Zone, located at 547 MAIN STREET.

**PETITIONERS STATEMENT:** Paul E. Clancy, Jr., ESQ presented to the Board, Exhibit A, Site plan and Exhibit B, Floor plans. He states that the only relief that is required is for use. Both, residential and commercial properties populate the neighborhood. Parking would be in the rear of the dwellings, where Hervey Street is one-way. Only blacktop will exist in the parking area. One tree exists on the property but there will be more plantings, greenspace and a fence along property line. This will be a two (2) family dwelling maximum.

**OPPOSITION:** Robert Owens, a direct commercial abutter spoke of challenges for additional parking.

**DECISION:** Granted

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the site has been a vacant lot for well over ten (10) years following a three (3) alarm fire that destroyed the previous multi-family/commercial structure that was located on the lot. The lot has not found another commercial use due to its shape and size and has not become financially desirable for development as a commercial use. The proposed use of the site will be of such location, size and character that will be in harmony with other structures and uses in the immediate neighborhood, the orderly development of the zone will not be detrimental to the adjacent properties and will be similar in residential use as the previous building at the site. All representations in petitioner's statement, including green space on the front, Main Street side, the south Hervey Street side and the north side shall be incorporated by reference as stipulations recorded herewith and as depicted on plans submitted and dated 10/21/20. An abutting neighbor expressed concerns about on-street parking on the surrounding streets.

**VOTE:**

Motion to Grant by: Stephen Bernard  
Seconded by: Steve Lainas

**IN FAVOR: 4**

Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Stephen Bernard  
Steve Lainas

**OPPOSED: 1**

Craig Pina

Anthony Zeoli, City Clerk

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Steve Lainas*

*Craig Pina*

RECEIVED  
2020 DEC 28 A 11:45  
CITY CLERK'S OFFICE  
BROCKTON, MA.

RECEIVED: January 20, 2021  
I, ANTHONY ZEOLI, CITY CLERK OF BROCKTON, MASSACHUSETTS, HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPSED AND NO APPEAL HAS BEEN FILED, CHAPTER 40A SEC. 11

AN APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE PURSUANT  
TO G.L.C. 40A SECTION 17.

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Massachusetts, on Tuesday, December 8, 2020 at 6:00 p.m.

**IN RE: 20-87** Petition of ENTERPRISE RENT-A-CAR COMPANY OF BOSTON, LLC., 1095 West Chestnut Street, Brockton, MA, for a Variance from Sec. 27-33, to operate a commercial use being the rental of motor vehicles in a I-1, located at **1095 WEST CHESTNUT STREET**.

**PETITIONERS STATEMENT:** Attorney, Philip Nessralla and Katlyn O'Neil, Regional Manager of Enterprise Rent-A-Car presented to the Board, Exhibit A, Memo in Support and Exhibit B, Site plan. The rental car business, on this property, would minimize the need for cross city traffic. They will service local car dealership needs for vehicle rentals. The lot has 29 parking spaces. They expect their hours of operation will be Monday through Friday 8:00 AM to 6:00 PM. Saturday through Sunday 9:00 AM to 1:00 PM. As a former banking establishment, it was not successful in locating a renter or finding a buyer for this property. Snow removal would either be trucked off or piled on a few spaces.

**OPPOSITION:** None

**DECISION:** Unanimously granted

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the building and locus that was previously used for a Commercial use has been vacant for a long period of time and had found no Industrial use due to the small size and shape, thereby creating a financial hardship to the property owner. The surrounding area consists of a variety of commercial uses and the proposed use will be of such location, size and character that the use as a car rental location will be in harmony with the current development of the zone and will not be detrimental to the existing neighborhood or orderly development of adjacent properties. As a condition of approval for the site as a car rental use the Board specifically prohibited the sale of used vehicles and the repair of vehicles on site. The petitioner expressed hours of operation to be 8 AM to 6 PM, Monday through Friday and 9 AM to 1 PM on Saturday and/or Sunday, to which the Board had no objections. There was no neighborhood opposition presented.

**VOTE:**

Motion to Grant by: Craig Pina  
Seconded by: Stephen Bernard

**IN FAVOR: 5**

Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Stephen Bernard  
Craig Pina  
Steve Lainas

**OPPOSED: 0**

Anthony Zeoli, City Clerk

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Craig Pina*  
*Steve Lainas*

James Plouffe, Clerk

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 20-88** Petition of **THE JOSEPH P. STADELMANN, II REVOCABLE TRUST**, 56 Cherry Street, Brockton, MA, for a Variance from Sec. 27-9,27-26,27-48,27-18, to be allowed to construct and operate a residential apartment complex with parking and relief from dimensional and green space requirements in an R-2 Zone, located at **56 CHERRY STREET**.

**PETITIONERS STATEMENT:** Attorney, James M Burke, Scott Faria, Surveyor and Joseph Stadelmann II, property owner, presented to the Board, Exhibit A, Memo in Support, Exhibit B, Site plan, Exhibit C, Floor plans and rendering. There have been two substantial structures on this property and have not changed in footprint. This property is buffered by multi-family properties. There will be handicapped accessibility and fully sprinkled. They are asking for a waiver on parking. There will be 30 residential units that will consist of 24 one (1) bedroom apartments, 3 two (2) bedroom apartments and 3 studio apartments. They will provide 15% greenspace and fencing.

**OPPOSITION:** None

**DECISION:** Unanimously granted

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the locus in the site of a three (3) story commercial structure that has no future viable use as a commercial site and is located in a residential area surrounded by multi-family dwellings. This structure was built and sited prior to zoning and creates a financial hardship to the owner due to its location in a residential neighborhood, low ceilings, very limited re-use possibilities and in its current condition is not conducive to the betterment and value to the neighborhood. The best use for this structure is for residential use as market rate apartments with sufficient on site, off-street parking as proposed in plans submitted and dated 9/15/20, showing a minimum of fifty (50) spaces. Based on the unique circumstances related to the size, shape, condition and location of the structure, it is not economically feasible and unlikely that the property would be developed in the future for a use permitted as a non-conforming structure. The proposed use as a residential structure will be of such location, size and character that it will generally be in harmony with the zone and will not be detrimental to the existing neighborhood. All exterior lighting shall be downward facing without spill-over onto adjacent properties. There was no opposition to the proposed use and Ward 7, City Councilor, Shirley Asack, spoke in favor.

**VOTE:**

Motion to Grant by: Craig Pina  
Seconded by: Stephen Bernard

**IN FAVOR: 5**

Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Stephen Bernard  
Craig Pina  
Steve Lainas

**OPPOSED: 0**

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Craig Pina*  
*Steve Lainas*

*James Plouffe*  
James Plouffe, Clerk

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*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk



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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 8, 2020 at 6:00 p.m.

**IN RE: 20-89** Petition of **NEXTGRID, INC.**, 159 Torrey Street, Brockton, MA, for a Special Permit or other relief as the Zoning Ordinance may provide, to seek approval for a ground mounted solar field allowed by M.G.L. c 40A, Sec. 3 in an R-1-C Zone, located at **159 TORREY STREET**.

**PETITIONERS STATEMENT:** Attorney James M Burke, Daniel Serber, Director of Next Grid and Richard Grady, Engineer, presented to the Board, Exhibit A Photovoltaic power system plan, Exhibit B, Easement plan, Exhibit C Site plan and Exhibit D, Operation and Maintenance plan. This is a large cleared section of land that is not visible from surrounding dwellings or the golf course in which it abuts. There will be no clearing or cutting of trees for this installation. The installation will occur in the winter months as to not interfere with the golf season. There will be minimal maintenance. It is remotely monitored and will be no cameras involved. Battery storage is in a locked facility that has an emergency shut down for the Fire Department. All construction access will be from West Street across Thorney Lea property only.

**OPPOSITION:** None

**DECISION:** Unanimously granted

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the proposed ground mounted solar system proposed at the Thorney Lea Golf Club site is an allowed use under M.G.L Chapter 40-A, Section 3 and as proposed will not substantially negatively impact the public health, safety or welfare of the neighborhood nor the residents of Brockton. The use will be of such location, size and character that, generally, it will be in harmony with the appropriate and orderly development of the zone in which the proposed use is situated and will not be detrimental to the existing neighborhood or orderly development of adjacent properties nor inconsistent with any officially adopted master plan for the City.

The Board specified and the petitioner and developer fully agreed and asserted to a stipulation that all construction vehicles and activities shall access the site only from the West Street access road located on Thorney Lea Golf Club property. Edison connection to the main Edison grid will be via existing lines from Thorney Lea Terrace. The entire facility shall be enclosed with a security fence. No existing trees will be cut during construction and the existing buffers will remain as shown on plans submitted and dated 9/24/20. The Operation and Maintenance Plan and the Decommissioning Plan submitted 11/2/20 shall remain in effect throughout the life of the facility. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by: Craig Pina  
Seconded by: Chief Michael Williams

**IN FAVOR: 5**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

Steve Lainas

**OPPOSED: 0**

*Anthony J. Zeoli*

Anthony J. Zeoli, City Clerk

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